

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY LITIGATION	§ No. 12-md-2323 (AB)
	§ MDL No. 2323
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	§ SHORT FORM COMPLAINT
THIS DOCUMENT RELATES TO:	§
Plaintiffs' Master Administrative Long- Form Complaint and	§ IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY LITIGATION
ERIC DICKERSON, ET AL	§
V.	§
THE NATIONAL FOOTBALL LEAGUE USDC, SDTX NO. 4:12-cv-01548 USDC, EDPA NO. 2:12-cv-03338-AB	§ JURY TRIAL DEMANDED

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**SHORT FORM COMPLAINT**

1. Plaintiff(s), Jill Stautner, as Personal Representative of the Estate of Ernie Stautner and (if applicable, Plaintiff's Spouse) \_\_\_\_\_, bring(s) this civil action as a related action in the matter entitled IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY LITIGATION, MDL No. 2323.

2. Plaintiff (and, if applicable, Plaintiff's Spouse) is/are filing this Short Form Complaint as required by this Court's Case Management Order No. 2, filed April 26, 2012.

3. Plaintiff (and, if applicable, Plaintiff's Spouse), incorporate(s) by reference the allegations (as designated below) of the Master Administrative Long-Form

Complaint, as may be amended, as if fully set forth at length in this Short Form Complaint.

4. [Fill in if applicable] Plaintiff is filing this case in a representative capacity as the Independent Executor of the Estate of Ernie Stautner, Deceased, having been duly appointed as the Personal Representative By the District Court of Eagle County, CO. (Cross out sentence below if not applicable.) Copies of the Letters of Administration/Letters Testamentary for a wrongful death claim are annexed hereto if such Letters are required for the commencement of such a claim by the Probate, Surrogate or other appropriate court of the jurisdiction of the decedent.

5. Plaintiff, \_\_\_\_\_ is a resident and citizen of \_\_\_\_\_ and claims damages as set forth below.

6. [Fill in if applicable] Plaintiff's spouse, Jill Stautner, as Representative of the Estate of Ernie Stautner, Deceased, is a resident and citizen of Avon, CO \_\_\_\_\_ and claims damages as a result of loss of consortium proximately caused by the harm suffered by her Plaintiff husband/decedent.

7. On information and belief, the Plaintiff (or decedent) sustained repetitive, traumatic sub-concussive and/or concussive head impacts during NFL games and/or practices. On information and belief, Plaintiff suffers (or decedent suffered) from symptoms of brain injury caused by the repetitive, traumatic sub-concussive and/or concussive head impacts the Plaintiff (or decedent) sustained during NFL games and/or practices. On information and belief, the Plaintiff's (or decedent's) symptoms arise from injuries that are latent and have developed and continue to develop over time.

8. [Fill in if applicable] The original complaint by Plaintiff(s) in this matter was filed in the USDC, Southern District of Texas, Houston Division. If the case is remanded, it should be remanded to the USDC, Southern District of Texas, Houston Division.

9. Plaintiff claims damages as a result of [check all that apply]:

- Injury to Herself/Himself;
- Injury to the Person Represented;
- Wrongful Death;
- Survivorship Action;
- Economic Loss;
- Loss of Services;
- Loss of Consortium.

10. [Fill in if applicable] As a result of the injuries to her husband, Ernie Stautner, Plaintiff's Spouse, Jill Stautner, suffers from a loss of consortium, including the following injuries:

- loss of marital services;
- loss of companionship, affection or society;
- loss of support; and
- monetary losses in the form of unreimbursed costs she has had to expend for the health care and personal care of her husband.

11. [Check if applicable]  Plaintiff (and Plaintiff's Spouse, if applicable) reserve(s) the right to object to federal jurisdiction.

**DEFENDANTS**

12. Plaintiff (and Plaintiff's Spouse, if applicable) bring(s) this case against the following Defendants in this action [check all that apply]:

- National Football League;
- NFL Properties, LLC;
- Riddell, Inc.;
- All American Sports, Inc. (d/b/a Riddell Sports Group, Inc.);
- Riddell Sports Group, Inc.;
- Easton-Bell Sports, Inc.;
- Easton-Bell Sports, LLC
- EB Sports Corporation;
- RBG Holdings Corporation.

13. [Check where applicable] As to each of the Riddell Defendants referenced above, the claims asserted are:  design defect;  informational defect;  manufacturing defect.

14. [Check if applicable]  The Plaintiff (or decedent) wore one or more helmets designed and/or manufactured by the Riddell Defendants during one or more years Plaintiff (or decedent) played in the NFL and/or AFL.

15. Plaintiff played in [check if applicable]  the National Football League ("NFL") and/or in [check if applicable]  the American Football League ("AFL") during

1950 to 1963 for the following teams: Pittsburgh Steelers

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### **CAUSES OF ACTION**

16. Plaintiff herein adopts by reference the following Counts of the Master Administrative Long-Form Complaint, along with the factual allegations incorporated by Reference in those Counts [check all that apply]:

- Count I (Action for Declaratory Relief – Liability (Against the NFL));
- Count II (Medical Monitoring [Against the NFL]);
- Count III (Wrongful Death and Survival Actions [Against the NFL]);
- Count IV (Fraudulent Concealment [Against the NFL]);
- Count V (Fraud [Against the NFL]);
- Count VI (Negligent Misrepresentation [Against the NFL]);
- Count VII Negligence Pre-1968 Against the NFL]);
- Count VIII (Negligence Post-1968 [Against the NFL]);
- Count IX (Negligence 1987-1993 [Against the NFL]);
- Count X (Negligence Post-1994 [Against the NFL]);
- Count XI (Loss of Consortium [Against the NFL and Riddell Defendants]);
- Count XII (Negligent Hiring [Against the NFL]);
- Count XIII (Negligent Retention [Against the NFL]);
- Count XIV (Strict Liability for Design Defect [Against the Riddell Defendants]);
- Count XV (Strict Liability for Manufacturing Defect [Against the

Riddell Defendants]);

- Count XVI (Failure to Warn [Against the Riddell Defendants]);
- Count XVII (Negligence [Against the Riddell Defendants]);
- Count XVIII (Civil Conspiracy/Fraudulent Concealment [Against the NFL Defendants]).

17. Plaintiff asserts the following additional causes of action [write in or attach]: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PRAYER FOR RELIEF**

Wherefore, Plaintiff (and Plaintiff's Spouse, if applicable), pray(s) for judgment as follows:

- A. An award of compensatory damages, the amount of which will be determined at trial;
- B. For punitive and exemplary damages as applicable;
- C. For all applicable statutory damages of the state whose laws will govern this action;
- D. For medical monitoring, whether denominated as damages or in the form of equitable relief;
- E. For an award of attorneys' fees and costs;
- F. An award of prejudgment interest and costs of suit; and

G. An award of such other and further relief as the Court deems just and proper.

**JURY DEMANDED**

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff(s) hereby demand(s) a trial by jury.

Respectfully submitted,

PROVOST\*UMPHREY LAW FIRM, LLP  
P. O. BOX 4905  
490 PARK STREET  
BEAUMONT, TX 77704-4905  
TELEPHONE: (409) 835-6000  
FACSIMILE: (409) 813-8652

By: /s/Matthew Matheny  
Walter Umphrey  
State Bar No. 20380000  
Matthew Matheny  
State Bar No. 24032490  
Jacqueline Ryall  
State Bar No. 17469445

ATTORNEYS FOR PLAINTIFF(S)

Jul-10-2012 10:16 AM Marciel Streams de la Vail 9704764463

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EAGLE COUNTY, CO  
 TEAK J SIMONTON  
 302 Pgs: 2 06:30:02PM  
 REC: \$11.00 Doc: #

200624853  
 09/11/2006



District Court  Denver Probate Court  
 Eagle County, Colorado  
 Court Address: PO Box 597; 885 Chambers Ave. Eagle, Co 81631

IN THE MATTER OF  THE ESTATE OF:

Ernie A. Stautner

FILED Document  
 CO Eagle County District Court 5th JD  
 Filing Date: Jun 21 2006 9:11AM MDT  
 Filing ID: 11589936  
 Review Clerk: Mafinda Schjerkolk

COURT USE ONLY

Case Number: 2006PR61

Division: Courtroom:

LETTERS

JILL L. STAUTNER was appointed or qualified by this Court or its Registrar on JUNE 14, 2006 as:

- Personal Representative. The decedent died on FEBRUARY 16, 2006.
  - These are Letters of Administration. (The decedent did not leave a will.)
  - These are Letters Testamentary. (The decedent left a will.)
- Special Administrator in  an informal  a formal proceeding. These are Letters of Special Administration.
- Conservator. These are Letters of Conservatorship.
  - The protected person is a minor whose date of birth is \_\_\_\_\_
  - Special Conservator.
- Guardian. These are Letters of Guardianship for:
  - an incapacitated person.  a minor whose date of birth is \_\_\_\_\_
  - Emergency Guardian
    - (Expires on \_\_\_\_\_ (date), not more than 60 days after appointment per §15-14-312, C.R.S.)
 Appointment or qualification is by  court order.  will.  written instrument.

\_\_\_\_\_

These Letters evidence full authority, except for the following limitations or restrictions, if any:

\_\_\_\_\_

\_\_\_\_\_

Dated: June 14, 2006

*Mafinda Schjerkolk*  
JUDICIAL ASSISTANT



JUL-10-2012 10:16 AM Marciel S. reams de a. Vail 9704784463

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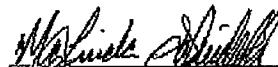
CERTIFICATION

Certification Stamp

or

Certified to be a true copy of the original in my custody and to be in full force and effect as of:

Dated: June 21, 2006

  
(Deputy) Clerk of Court

